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Letter dated 24 July 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached third report from Trinidad and Tobago submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 20 July 2006 from the Permanent Mission of Trinidad and Tobago to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations presents its compliments to the Chairman of the Counter-Terrorism Committee and has the honour to transmit the response of the Government of the Republic of Trinidad and Tobago to the questions raised in the Chairman's letter of 2 April 2003.

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations has the further honour to indicate that in addition to the aforementioned response of the Government of the Republic of Trinidad and Tobago, other relevant information is attached to the present note (see enclosure).

Enclosure

Report of the Republic of Trinidad and Tobago to the United Nations Counter-Terrorism Committee

1 **Implementation measures**

1.1 The CTC has agreed on further questions and comments for the consideration of the Government of Trinidad and Tobago with regard to the implementation of the Resolution, as set out in this section.

1.2 The first and supplementary reports state that Trinidad and Tobago has prepared an Anti-Terrorism Bill which seeks to provide for all necessary measures to prevent and suppress the financing of terrorist acts. The CTC would appreciate receiving a progress report on the enactment and implementation of the Anti-Terrorism Bill as well as an outline of the relevant provisions in the draft legislation.

The Anti-Terrorism Bill was enacted by Parliament and assented to on 13 September 2005.

1.3 The CTC would be grateful if Trinidad and Tobago could provide a progress report on the adoption of the "Financial Obligations Regulations" which, according to the supplementary report, are waiting to be introduced before Parliament. Please explain, together with an outline, the relevant legal or administrative requirements concerning the obligations of financial institutions to report suspicious transactions to the Designated Authority.

The Financial Obligations Regulations are being considered by a team of officers of various Ministries.

The Regulations require financial institutions and businessmen to put in place systems and training to prevent money-laundering. Identification procedures, bookkeeping procedures, and internal reporting procedures, are also required in order to facilitate reporting of suspicious transactions to the Designated Authority.

1.4 Compliance with subparagraph 1 (a) of the Resolution requires member States to take steps to suppress the financing of terrorism. The CTC would be grateful if Trinidad and Tobago could please indicate the steps which it intends taking in this regard.

The Government is considering enhancing the Anti-Terrorism Act 2005 in order to be able to fully suppress the financing of Terrorism. For example, money-laundering relating to the proceeds of Terrorism is being looked at.

1.5 Effective implementation of paragraph 1 (b) of the Resolution requires a State to have in place provisions specifically criminalizing the wilful collection and provision of funds related to terrorism. It should be noted in this regard that for an act to constitute an offence, it is not necessary that the funds be used for the purpose of carrying out a terrorist offence (see article 2 para. 3, of the Convention for the Suppression of the Financing of Terrorism). The acts sought to be criminalized are capable of being committed even if:

- the only related terrorist act takes place or is intended to take place outside the country;

- no related terrorist act actually occurs or is attempted;
- no transfer of funds from one country to another takes place;
- the funds are legal in origin.

The CTC would welcome an indication of the action which Trinidad and Tobago intends taking in this regard.

The Anti-Terrorism Act fully provides for the Acts referred to (sects. 45 and 9).

1.6 Could Trinidad and Tobago please indicate whether the draft legal provisions requiring financial institutions to report suspicious transactions to the relevant authorities, as mentioned in the supplementary report, will apply to other financial intermediaries, such as lawyers, notaries and accountants when engaged in financial transactions? What are the penalties for not complying with this obligation?

Yes. The penalty under Section 57 of the Proceeds of Crime Act, there is a fine of Five thousand dollars and the imprisonment for a term of two (2) years on summary conviction, and the fine of Three Million dollars and imprisonment for seven (7) years on conviction on indictment.

1.7 Effective implementation of paragraph 1 of the Resolution requires the establishment of an appropriate monitoring mechanism (including, for example, registration and auditing requirements) to ensure that the funds colleted by organizations which have or claim to have charitable, social or cultural goals are not diverted to purposes other than their stated purposes, in particular to the financing of terrorism. Do the laws of Trinidad and Tobago impose an audit requirement on the organizations concerned? The CTC would appreciate receiving a copy of the relevant legal provisions.

No.

1.8 Please outline the legal provisions in force in Trinidad and Tobago which regulate alternative money transfer agencies or services or, in their absence, please indicate the steps which Trinidad and Tobago propose taking in order to incorporate this aspect of the Resolution into its domestic law.

The Financial Institutions Act 1993.

1.9 Subparagraph 1 (c) of the Resolution requires, inter alia, that States freeze without delay the funds of persons who commit, attempt to commit, participate in or facilitate the commission of terrorist acts. The supplementary report refers (at page 2) to a procedure which is available in relation to "assets obtained from the commission of a specified offence". However, Trinidad and Tobago would appear to have no legal provision in place for the freezing of funds, regardless of their origin. It should be noted that funds, financial assets and economic resources connected with terrorism which require to be frozen may be of legal origin and are not necessarily the proceeds of crime. The CTC would welcome a report on the steps which Trinidad and Tobago proposes taking in order fully to comply with this aspect of the Resolution.

The Government is considering the preparation of Legislation to amend the Anti-Terrorism Act 2005, to provide for the freezing of funds, financial

assets, and economic resources connected with terrorism. However, Section 34 of the Act empowers a Customs Officer, an Immigration Officer, or a Police Officer to apply to a Judge in Chambers to freeze property where he has reasonable grounds to believe that the funds are:

(a) intended to be used for the purpose of a terrorist act;

(b) terrorist property

1.10 Effective implementation of subparagraph 2 (a) of the Resolution requires States to suppress the recruitment of members of terrorist groups in Trinidad and Tobago with a view to carrying out terrorist activities inside its territory or abroad. Please explain how the proposed Anti-Terrorism Bill will address this requirement.

Section 12 of the Act prohibits recruitment of Terrorist groups in Trinidad and Tobago

1.11 Effective implementation of subparagraphs 2 (d) and (e) of the Resolution requires each State to criminalize the use of its territory for the purpose of committing a terrorist act against another State or its citizens or for the purpose of financing, planning and facilitating terrorist acts against another State or its citizens, even though no related terrorist act has been committed or attempted. Please comment on what action Trinidad and Tobago intends taking to meet these requirements in their entirety.

Section 3 of the Act criminalizes the commission of a Terrorist Act. Part VIII provides for the seizure and forfeiture of Terrorists property

1.12 Please provide a progress report on the ratification and implementation by Trinidad and Tobago of the International Convention for the Suppression of the Financing of Terrorism. The CTC would appreciate receiving an outline of the steps taken by Trinidad and Tobago to implement the provisions of the 11 other universal international instruments pertaining to the prevention and suppression of terrorism. The CTC would also appreciate receiving an account of the penalties prescribed in the criminal law of Trinidad and Tobago in relation to the offences which are required to be established as crimes under the provisions of the universal Conventions and Protocols to which Trinidad and Tobago is a party.

The Anti-Terrorism Act, 2005 provides for the implementation of the 12 universal international instruments pertaining to the prevention and suppression of Terrorism. Part III of the Act criminalizes offences that are prohibited under these counter-terrorism Conventions. The penalties prescribed in the Act for commission of the convention offences include terms of imprisonment of five, ten, fifteen, twenty or twenty-five years as well as imprisonment for life. An attack resulting in death is punishable by a sentence of death

While the Anti-Terrorism Act, 2005 addresses the Convention for the Suppression of the Financing of Terrorism, it does not do so as comprehensively as the Convention requires. Parliamentary approval was not secured for those aspects of the Convention (for example, freezing of funds and financial assets) that require a special majority for enactment. Once the required parliamentary majority is secured, the Act would be

amended to include those provisions of the Convention that were not dealt with in the present legislation.

Ratification of the Convention for the Suppression of the Financing of Terrorism is likely to follow amendment to the Anti-Terrorism Act, 2005.

1.13 The CTC is aware that Trinidad and Tobago may have covered some or all of the points in the preceding paragraphs in reports or questionnaires submitted to other organizations involved in monitoring international standards. The CTC would be content to receive a copy of any such report or questionnaire as part of **Trinidad and Tobago's response to these matters as well as details of any efforts to** implement international best practice, codes and standards which are relevant to the implementation of resolution 1373.

For further amplification, please refer to the response submitted by Trinidad and Tobago in May 2005 to the Questionnaire in respect of Security Council Resolutions 1267 (1999) and 1455 (2003) S/AC.37/2005/(1455)/6 and the report of Trinidad and Tobago on activities in 2005 submitted to the Inter-American Committee Against Terrorism (CICTE) of the Organization of American States (OAS) (see annex).

Annex

Report on the steps taken by the Government of Trinidad and Tobago to implement the recommendations adopted at the Fourth Regular Session of the Inter-American Committee Against Terrorism

Today Governments are finding it increasingly difficult to respond to the dynamic changes in the globe. The fallout from September 11 has served to further intensify the demands on the State to respond to the multifaceted challenges spawned by this single event. This they have all had to do while actively contributing to the building of a better global society. Among the small and vulnerable island economies, the situation is fast becoming more and more severe.

Security, for the moment, includes non-traditional threats such as intra-State insurgencies; drug-trafficking; terrorism; illegal migration; health risks; natural disasters; violation of human rights; extreme poverty and inequality; smuggling of goods; trafficking of arms, and trafficking in persons. Many of these new threats are in fact transnational in nature and as such require appropriate hemispheric cooperation to exist alongside relevant domestic action.

Consequently, during the year 2005, the Government of Trinidad and Tobago continued its efforts to implement the various measures recommended at the Fifth Regular Session of the Inter-American Committee Against Terrorism (CICTE). This report outlines those measures in a format that is consistent with the structure of the CICTE workplan.

Border and customs control measures

In order to improve border and customs control systems, the Government of Trinidad and Tobago through its Customs and Excise Division took the following steps in 2005-2006:

- The introduction in July 2005 of explosive detection dogs as the latest addition to the Division's Canine Unit and the training of their handlers.
- At Piarco International Airport, a Passenger Analytical Unit (PAU) was established. This Unit has access to the flight lists of the National Carrier (BWIA) and has at its disposal a camera surveillance system designed to monitor the main areas of the Aerodrome and its environs. The Customs Baggage Room was also equipped with a Baggage X-ray scanner.
- In January 2006, the staff of the Customs and Excise Marine Interdiction Unit (MIU) was strategically deployed to what is deemed to be the most susceptible port in respect of the trade in illicit drugs, arms and ammunition in order to eliminate the trade.
- In 2005, through the assistance of the Trinidad and Tobago Coast Guard (the Designated Authority), training on the International Code for the Security of Ships and Port facilities (ISPS) was conducted for members of the Customs and Excise Division.
- In October 2005, Officers were sent to a workshop to foster awareness of, and sensitivity to, those issues that pertain to combat against the illegal trade in

environmentally hazardous commodities at our borders. The Division's intelligence capability has been strengthened by the acquisition of three new computers for the Regional Clearance System (RCS). This Clearance System is a computerized database for recording the movement of pleasure craft that arrive within the borders of Trinidad and Tobago. This system facilitates the sharing of information with Regional and International Customs agencies under the Caribbean Customs and Law Enforcement Council Memorandum of Understanding.

Quality of identification and travel documents

The Immigration Division is in the process of procuring and implementing machine-readable passports, which will include biometrics. The first phase, which comprises the assessment of submitted tenders for the project was completed in 2005. It is expected that this project will be completed by the end of 2006.

The Division is endeavouring to establish a vital and comprehensive Automated, Integrated Border Control System inclusive of Electronic Visa Issuing System and Passport Readers. This will improve the capability of the Division to meet the challenges posed by the current demand for real time response to issues pertaining to border security such as access to and prompt processing of Advanced Passenger Information. The design of the new system will integrate the various modules and incorporated access to the international database of Interpol. This process will no longer require an officer to connect to independent modules of the immigration Data Processing System to gain information about a person.

Further, the implementation of the Passport Issuing System which includes the biometric feature, Facial Recognition System, and the issuance of a new format passport in compliance with the recommendations and specifications stipulated by the International Civil Aviation Organization Document 9303 will also address the concerns underscored by the representatives of the International Organization of Migration Assessment Team.

Technical training

With regard to training in the detection of fraudulent documents, the Immigration Division has held workshops under the auspices of the US and Canadian Governments. A workshop was also recently held with respect to the treatment of persons seeking refugee status. The Division also benefited substantially from a review conducted by the International Organization for Migration (IOM). The report encompasses a range of subjects including:

- Port of entry security and operating procedures;
- Immigration and nationality laws and procedures;
- Organizational structure and functions of responsible agencies;
- Recruitment and training of personnel;
- Security and issuance procedures for passports, visas and related documents; and
- International collaboration to assist with migration management.

Measures to prevent, control and penalize money-laundering and the financing of terrorism

Legal framework

In October 2005, the Parliament of Trinidad and Tobago debated and passed into law, "**An Act to Criminalize Terrorism, to Provide for the Detention, Prevention, Prosecution, Conviction and Punishment of Terrorist Activities and the Confiscation, Forfeiture and Seizure of Terrorist Assets**". This legislation gave Trinidad and Tobago the opportunity to join the distinguished list of OAS member States, which have ratified the Inter-American Convention against Terrorism. The related instrument of ratification was deposited with the OAS Secretary General on 2 December 2005.

With respect to refugees, Trinidad and Tobago has signed and ratified the Refugees Treaty. Currently, the Ministry of National Security is preparing the Policy Document, which, when approved by Cabinet, will form the basis of legislation to be drafted by the Legislative Drafting Department.

Transportation security

Aviation Security

Industry stakeholders have embarked on a programme aimed at strengthening aviation security through:

- The purchase of specialized training equipment
- Establishment of training programmes that meet international standards
- Updating of the aerodrome identification media system
- The development and implementation of a public awareness programme ensuring the operational sustainability of security systems and procedures and
- The strengthening of the performance assessment system is ongoing.

The Government of Trinidad and Tobago has approved the National Civil Aviation Security Programme that meets the latest requirements of the International Civil Aviation Organization (ICAO). It is expected that this programme will be rolled out by April 2006.